



# Milwaukee County Office of the Sheriff

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## **OWI NEWS CONFERENCE**

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*Sheriff*

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On Feb 7, 2008, at 2423 N. Martin Luther King Drive, 42-year-old Alan T. Pointer was driving a car that struck and killed a pedestrian who was crossing the street. Alan Pointer was arrested for drunk driving. His blood alcohol content at the time of the crash was in excess of .15, which is nearly twice the legal limit allowed by law for driving in Wisconsin.

This was Alan Pointer's **third**, I repeat **third** arrest for driving while drunk. Pointer is yet again an example of a state that has an alarming number of drivers operating on our roadways perpetually drunk. Recent media attention has made the public more aware of the depth of the problem, while the state drags its feet to ensuring that these drunks are kept off our roadways.

This however is only part of the problem. The bigger problem, based on my experience, is the judicial leniency that continues to slap drunks on the wrist after multiple arrests for driving drunk. The photos displayed on the board are an example of this year alone. Some have been arrested 4, 5, 6, and even 7 times for driving drunk, including one offender who was arrested twice by the same deputy in one week. I'll address that shortly.

The man that Alan Pointer killed did not attract the type of news attention given to these types of deaths; such as the expectant mother recently killed in Waukesha County, and he didn't happen to be a high school valedictorian going to college next year. 62-year-old Percy Chambers, was Mr. Anonymous Citizen, whose death didn't register on anyone's radar screen. He didn't have any advocacy groups on behalf of his death by a drunk driver. He wasn't influential enough in the community and didn't have vocal family members come forth to ensure justice. But he did register on my radar screen, and as long as I remain the sheriff of this great county, I will continue to see it as part of my responsibility to advocate on behalf of **all** crime victims.

The sentence handed out to Alan Pointer amounts to a miscarriage of justice. It cheapens life. When you read through what the sentence really amounts to, it's a six-month stay at the House of Correction in Franklin and six months on work release, when he was exposed to a 50-year prison term.

In 2007, Steven Adamczyk killed 17-year-old Whitney Zajak while driving drunk on the Milwaukee County freeway system. His BAC registered not much higher than Alan Pointer's. Adamczyk was sentenced to prison for ten years. Why does Alan Pointer get a six-month stay at the house of correction with work release privileges? I call work release the "Bed and Breakfast" sentence. A person only has to report to the HOC to sleep and gets fed breakfast before leaving for

the day. Alan Pointer has been arrested three times now for drunk driving. He will drive drunk again and probably kill as well. Even if he doesn't, I don't want to take that risk with another citizen.

The explanation I received for this judicial leniency and watered-down sentence in exchange for pleading out was in part that the victim was intoxicated at the time of his death. There is no law prohibiting walking while drunk. If Alan Pointer had used better judgment and walked after drinking, Percy Chambers would be alive today. That explanation for this sentence is nothing more than blaming the victim. It's tantamount to blaming a woman who was raped for dressing provocatively. In fact, we direct people who are drunk to walk, use public transportation, cab or designated drivers but **DO NOT DRIVE!**

That's why I have said that this criminal justice system here is broken, out of touch, is skewed heavily in favor of criminal defendants and lacks empathy for crime victims. It's in need of reform. It's not justice until the victim and society's needs are met.

Is this how cheap this criminal justice system sees the life of ordinary people? It's no wonder that in a recent Gallup poll on public confidence in American institutions that the police rank third out of seventeen institutions at 58% confidence, and that the rest of the criminal justice system ranks 14<sup>th</sup> out of 17--fourth from the bottom--and that only 20% of Americans have any confidence in the criminal justice system.

Recently Governor Doyle indicated his support for a bill introduced that would increase the penalty and make it a felony for third offenses of drunk driving. These politicians are doing nothing more than tip-toeing around the edges. They are working on the wrong thing. Alan Pointer was facing 50 years but received a six-month stay at the house of correction. Judicial leniency and watered-down sentences in exchange for plea bargains is the problem. This can only be cured by state legislators approving mandatory minimum sentences for offenses such as OWI. If the governor is serious about reducing instances of drunk driving, he will push the legislature to remove the law prohibiting law enforcement agencies from conducting sobriety checkpoints. Wisconsin is one of only 11 states that do not allow sobriety checkpoints as an enforcement tool.

After one recent drunk driving death, a state legislator asked why a third time drunk driver still had his 3-ton killing machine in his possession. There is too much discretion given for serious crimes whereby the victim and the public's needs are not being met. Local judges have more discretion than even federal judges, who have sentencing guidelines and mandatory minimum sentences for certain serious crimes.

In January, I ordered the creation of an OWI Task Force in an effort to reduce the carnage on the Milwaukee County freeway system. Our eight-person task force has received specialized OWI training that

helps them to detect, access and arrest drunk drivers in a way that will be upheld in court.

Since the deployment of the unit, the task force has arrested 907 drunk drivers compared to a total of 447 this time last year. That's twice the number of drunk drivers taken off the road. The year is not over.

At our current rate, we will have approximately 1,700 OWI arrests by the end of the year—substantially surpassing total arrests in 2007 and 2006. In 2007, Milwaukee County Sheriff's deputies arrested 951 drunk drivers. In 2006, we arrested 1,051 drunk drivers. We believe this is just the tip of the iceberg.

This initiative is important because we are getting the drunks immediately off the road, removing the threat. When members of my OWI task force stop a drunk driver, we've found that the average Prohibited Alcohol (breath) Concentration is .16. This is twice the legal limit of .08. Impairment (inability to perform) starts at .03. The average B.A.C. in the state of Wisconsin is .17.

Out of the 900 OWI arrests to date, **46** OWI incidents led to crashes. **854** arrests were the result of deputy observations.

Among the arrests this year:

**18** were OWI - 4th

**8** were OWI – 5<sup>th</sup>

**1** was a 6<sup>th</sup> OWI

**1** was a 7<sup>th</sup> OWI.

Pay special attention to the following cases highlighted with photos on the board:

**OWI 6th** - On June 12th just after 1:30 in the morning, 30-year-old Micahel R. Baeckmann was stopped for speeding. He blew a .10. Later, we learned that Michael Baeckmann has prior OWI convictions in 1991, 1994, 1996, 2001 and 2005. Currently, his sentencing is pending. The maximum sentence is 6 years.

**OWI 7th** - On December 22nd, a deputy stopped 41-year-old Gregory R. Smith on NB US45 at North Ave. A citizen called in to report him as a possible OWI. We learned that he has prior convictions in 1989, 2 in 1994; (September 24 and then less than two months later November 9); 2003 and 2004 but why did it take 7 convictions to put him away for a significant period of time? The maximum prison time exposure is 5 years. Mr. Smith only received 3 years prison time.

**Arrested Twice by Same Deputy**: On January 25, 2008, a Milwaukee County sheriff's deputy arrested 47-year-old Mark T. James. His B.A.C. was .24 -- THREE TIMES the legal limit.

**ONE WEEK LATER** on February 2<sup>nd</sup>, this same man was driving erratically near S. Greenfield and National Avenue. His B.A.C. was .22.

## Map

Each martini glass on this map represents a drunk driving arrest. The colored triangles represent fatalities. The highlighted area here is “death valley.” This is the stretch of freeway that includes: I-94, I-794, I-894. Its borders go from 124th street (on the west) to the lake (on the east.) The North/South borders go from Capitol Drive (North) to Edgerton Avenue (South.).

I named this zone in red as “Death Valley” because you are likely to encounter a drunk driver on Friday, Saturday or Sunday between the hours of 8 p.m. and 2 a.m. increasing your risk for injury or death. More than half of our arrests are made during this high-risk period.

By looking at our statistics, we are able to determine that our task force deputies arrest one drunk driver every 59 minutes. Here’s another disturbing statistic, according to NHTSA, a motorist drives drunk 87 times before he or she is caught.

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